

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, et al.,)
Plaintiffs,)
v.) Case No. 4:09CV590 JCH DDN
DKW CONSTRUCTION COMPANY, INC.,)
Defendant.)

ORDER FOR DEFAULT JUDGMENT

Plaintiffs filed this action to recover, inter alia, delinquent contributions, liquidated damages, and interest allegedly owed to the plaintiff employee benefit funds pursuant to 29 U.S.C. §§185 and 1132. Plaintiffs also seek to recover accounting fees, attorneys' fees, and costs incurred in this action.

Plaintiffs move for default judgment, submitting in support of their motion a memorandum, exhibits, and the affidavits of Bernard Difani, John Massa and Janine M. Martin. Based upon plaintiffs' motion, the Court finds the following:

A financial examination was performed on defendant's financial records pursuant to the collective bargaining agreements for the period of September 1, 2005 through February 29, 2008. The financial examination revealed that defendant had failed to report and pay fringe benefit contributions on hours worked by employees. Based on the report issued by the accountants, plaintiffs determined that defendant owes \$8,053.28 in contributions, \$2,002.16 in liquidated damages, and \$1,957.00 in interest.

In addition, defendant failed to timely submit its contributions for the months of April through July, September, and October, 2007. Liquidated damages of 20%, or \$3,253.06, is owed on these late amounts.

Pursuant to the collective bargaining agreement and ERISA, 29 U.S.C. §1132(g)(2), plaintiffs are owed a total of \$8,053.28 in delinquent contributions, \$5,255.42 in liquidated damages, and \$1,957.00 in interest. Also, the collective bargaining agreement and ERISA, 29 U.S.C. §1132(g)(2), requires defendant to pay attorneys' fees and costs. Plaintiffs incurred \$2,341.00 in accounting fees, \$511.50 in attorneys' fees, and \$408.50 in court costs and special process server fees. Based on the evidence presented, the Court finds the services performed by plaintiffs' attorneys were reasonable and necessary to the litigation of this case, the rates charged were reasonable, and the amount sought for attorneys' fees is reasonable.

The total amount owed by defendant to plaintiffs during this time period is \$18,526.70.

WHEREFORE, IT IS ORDERED that plaintiffs' motion for default judgment is GRANTED.

IT IS FURTHER ORDERED that judgment be entered in favor plaintiffs and against defendant DKW Construction Company, Inc. in the total amount of \$18,526.70..

SO ORDERED:



UNITED STATES DISTRICT JUDGE

Date 7/8/09